

14 Q. In -- In your experiences with Mr. Breen,
15 was he a person who was a pretty jealous guardian of
16 information?

17 A. I wouldn't describe him as a jealous
18 guardian. He was, however, discrete.

19 Q. Okay. Was Mr. Easton discrete?

20 A. No. That was what's behind the expression
21 Terry being Terry, 'cause Terry shoots his mouth off
22 first and thinks later.

23 Q. The -- Did Mr. Breen at any point in his
24 meeting with you indicate he didn't want to hear
25 anything more from you?

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1 A. No.

2 Q. Did Mr. Breen indicate he was anxious to
3 terminate his meeting with you?

4 A. No.

5 Q. Did Mr. Breen give you the opportunity to
6 say everything that you wanted to say?

7 A. Yes.

8 Q. Who terminated the meeting with Mr. Breen?

9 A. I believe I did.

10 Q. Did your schedule require you to be
11 elsewhere?

12 A. Yes.

13 Q. And so it was your schedule that drove the
14 termination of the meeting, not any request or demand

15 from Mr. Breen?

16 A. Yes.

* * * * *

20 MR. CARROCCIO: Q. Miss Hamilton, we --
21 this morning, we went into your meeting with Mr. Breen,
22 and I wanted to go back and ask one more set of
23 questions about that. Had you planned to meet with
24 Mr. Breen that day?

25 A. No.

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1 Q. Had you -- Since you had not planned to
2 meet with him, had you -- I assume you had not prepared
3 any remarks or any statements?

4 A. No, I hadn't.

5 Q. And so anything you said there was very
6 much off the cuff?

7 A. Yes.

8 Q. Thank you.

9 Ms. Hamilton, if you could direct your
10 attention to Saturday the 3rd of February 1996. Did you
11 receive anything from the Federal Communications
12 Commission that day?

13 A. I believe it was on that day, yes.

14 Q. And what was it?

15 A. I received a copy of the request for
16 expedited waiver, penalty or reduction of penalty
17 that -- that whole document, along with a copy of an

18 article from I don't remember what newsletter on
19 PCS 2000 and the overbid.

20 Q. Now, you say you received both a copy of
21 the request for waiver --

22 A. Yes.

23 Q. -- and a news clipping or a copy of a
24 newsletter --

25 A. Yes.

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1 Q. -- can you tell us about the newsletter,
2 please.

3 A. It had an interview -- a few lines of
4 interview from -- quoting Javier Lamoso. It's been a
5 long time since I've read it, but -- I don't remember
6 the details, but it was regarding the overbid.

7 Q. And can you remember what -- anything that
8 was attributed to Mr. Lamoso in that newsletter?

9 A. I think that it -- it said that he said
10 that it was an FCC error, but, again, I haven't reviewed
11 it in a long time.

12 Q. Do you remember which publication it was?

13 A. No, I don't.

14 Q. Was there a cover letter with this package?

15 A. I don't think so.

16 Q. Do you know who it was from?

17 A. I believe it was from Bill Kinnard.

18 Q. And what indicated it was from Mr. Kinnard?

19 A. Oh, his business card was attached to it.

20 Q. Okay. After you read the article in the
21 newsletter and after you read the request for waiver,
22 what did you do?

23 A. At some point, and I don't remember when, I
24 called Bill Kinnard. I know I talked to him once and I
25 also left a message for him later. When I talked to

Page 75

1 him -- Or did I -- Actually I don't -- I don't remember
2 for sure if I actually spoke to him or if it was just
3 that I left a message.

4 I know at some point, I said to him
5 something to the effect of "I can't believe I -- they
6 filed this after I told Quentin what was going on." I'm
7 not sure if that was in leaving a message or in actually
8 speaking to Bill. I also -- and this part I know was in
9 a message. I left a message for Bill saying that I was
10 going to call Javier and let him know everything I knew.

11 Q. When you say a message for Bill Kinnard,
12 was that a voice mail message?

13 A. Voice mail, yes.

14 Q. And was it a voice mail on his line at the
15 Federal Communications Commission?

16 A. Yes.

17 Q. Between the time you left the San Mateo
18 Group at the end of the day on the 23rd of January, and
19 until you received that package in the mail from

20 Mr. Kinnard, had you had any communication with the FCC.
21 other than your conversation with Mr. Kinnard and
22 Mr. Coffman on the 24th?

23 A. I may have, but I don't remember. In fact,
24 I probably did, but I don't know how many conversations
25 I had.

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1 Q. You indicate you left a message for
2 Mr. Kinnard saying that you couldn't believe that the
3 request for waiver had been filed after you talked to
4 Quentin?

5 A. Um-hmm. Yes.

6 Q. Do you know the date of that waiver
7 request?

8 A. I do now.

9 Q. Did you at that time?

10 A. I believe it was on the document, but I
11 either did not see it or still misconstrued the sequence
12 of events.

13 Q. Did you relate it to the date of your
14 meeting with Mr. Breen?

15 A. No.

16 Q. You indicated you called Javier Lamoso.
17 Can you remember the date on which you did that?

18 A. I started calling him on Monday the 5th,
19 and I believe I finally reached him on -- later that day
20 or possibly the next day.

21 Q. And when you called Mr. Lamoso, were you
22 under the impression that the waiver request had been
23 filed after you spoke to Mr. Breen?

24 A. Yes.

25 Q. Ms. Hamilton, were you aware that PCS 2000

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1 engaged a law firm to conduct an investigation of the
2 round 11 bidding error?

3 A. At what time are you asking that I was
4 aware?

5 Q. Were you aware of it at any -- Did you ever
6 become aware of it?

7 A. Yes.

8 Q. Were you interviewed in connection with
9 that?

10 A. Yes, I was.

11 Q. At the time you were interviewed, were you
12 aware that your meeting with Mr. Breen had taken place
13 after the filing of the waiver request?

14 A. No.

15 Q. Did Mr. Kinnard or any person at the
16 Federal Communications Commission ever point out to you
17 the juxtaposition of dates between the waiver request
18 and your meeting with Mr. Breen?

19 A. No.

20 Q. Did the attorneys conducting the
21 investigation point out the juxtaposition of those dates

22 to you?

23 A. No.

24 Q. Ms. Hamilton, when did you first become
25 aware of the juxtaposition of those dates?

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1 A. In September of 1996.

2 Q. And what was the occasion of that?

3 A. I believe you were interviewing me about
4 the events.

5 Q. And at that time, did you still believe
6 that Mr. Breen's meeting with you had taken place before
7 the filing of the waiver request?

8 A. Yes.

9 Q. And until that time, were all of your
10 comments, statements, submissions of any nature premised
11 on that understanding?

12 A. Yes.

13 Q. Ms. Hamilton, do you understand today when
14 the waiver request was filed?

15 A. Yes, I do.

16 Q. Do you understand the relationship of that
17 time to the time of your meeting with Mr. Breen?

18 A. Yes.

19 Q. Going back to Monday the 5th of February or
20 Tuesday the 6th of February when you made contact with
21 Mr. Lamoso, how long had you planned to contact
22 Mr. Lamoso?

23 A. I believe since Saturday the 3rd.
24 Q. Had you thought about what you would say to
25 Mr. Lamoso?

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1 A. Yes.

2 Q. Had you planned what you would say to
3 Mr. Lamoso?

4 A. Hmm. Just mentally.

5 Q. Had you -- At the time you talked to
6 Mr. Lamoso, did you have any need to be circumspect or
7 discrete in what you told him?

8 A. No.

9 Q. Did you have -- By the time that you spoke
10 with Mr. Lamoso, had you been able to cash your final
11 paycheck from the San Mateo Group?

12 A. Yes.

13 Q. Were the nature -- Was the nature of your
14 disclosures to Mr. Lamoso more extensive or less
15 extensive than your disclosures to Mr. Breen?

16 A. More extensive.

17 Q. Significantly or marginally?

18 A. Significantly.

19 Q. By the time you spoke to Mr. Lamoso, were
20 you aware that an outside consulting firm had been
21 engaged to conduct an audit of the bidding computer
22 system at San Mateo Group?

23 A. Yes.

24 Q. Were you a -- At the time you spoke to
25 Mr. Lamoso, were you aware of the state of the computer

Page 80

1 files, the computer records at the San Mateo Group?

2 A. Some of them, not all of them.

3 Q. Were you aware of the state of the records
4 of round 11?

5 A. Yes.

6 Q. Had you become aware of this through your
7 continuing contacts with people at San Mateo Group?

8 A. Yes.

9 Q. Did you tell Mr. Lamoso what the state of
10 those files would mean for the audit?

11 A. I don't know if I related the state of the
12 files to the audit. I don't remember.

13 Q. Did you tell Mr. Lamoso that the audit
14 would not do any good because the files had all been
15 purged?

16 A. I might have.

17 Q. Did you inform Mr. Lamoso that you had any
18 documents relating to the round 11 bid?

19 A. Yes, I did.

20 Q. Did you inform Mr. Lamoso that you had
21 prepared a declaration with regard to the round 11 bid?

22 A. Yes.

23 Q. Did you inform Mr. Breen of any of those
24 things when you had met with him?

25 A. No.

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1 Q. What was Mr. Lamoso's reaction to what you
2 told him?

3 A. Javier's reaction was -- He was pretty
4 quiet until I mentioned that not only did I have the
5 documents, but I had sent them to the FCC. And -- I
6 mean it's hard to say because over the phone I couldn't
7 see him. I don't know if he was just in shock or -- and
8 with his mouth hanging open, or whether my mentioning
9 the FCC having them was what triggered him into action.

10 But after I mentioned that the FCC had it,
11 I think that's when he asked if he can go over to
12 Fred Martinez's office and bring him into the
13 conversation and have me repeat that to him. But that
14 was the point where, you know -- I mean, all -- all I
15 could say is what I heard and, you know, I heard not
16 much reaction up to that point, and then after I
17 mentioned that I had sent the information to the FCC was
18 when he started getting more active.

19 Q. Did he ask you to provide him with any of
20 the documentation you referred to?

21 A. Yes.

22 Q. Did you provide him with such
23 documentation?

24 A. Yes, I did.

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23 Q. Okay. I think at one point you mentioned
24 earlier today that you heard that Mr. -- this is after
25 you had left the San Mateo Group, so it would have been

Page 91

1 after January 23rd -- you mentioned that you heard from
2 someone that Terry Easton was deleting files; is this
3 correct?

4 A. Yes.

5 Q. And can you tell us who -- Can you remember
6 who told you that?

7 A. I believe that was Fred Gross.

8 Q. And do you remember when he might have said
9 that?

10 A. I know it was sometime between
11 approximately January 28th and February 5th.

12 Q. Okay. Would Mr. Gross have been in a
13 position to see that happen, or how do you think he had
14 that information?

15 A. Mr. Gross is a systems engineer and was
16 there to work on and fix and monitor the LAN and all of
17 the computers in the office. I don't think he saw Terry
18 erasing files, but he had access to Terry's hard drive
19 and to the LAN to look for files.

20 Q. Without Mr. Easton's knowledge?

21 A. Yes.

22 Q. What else did he tell you other than the
23 fact that Mr. Easton had been deleting files?

24 A. At some point, I think it was him that told
25 me that some firm was brought in to do an audit on the

Page 92

1 error on the bidding error. But it's hard to say
2 because I had continuing conversations those two weeks
3 with Scott, Lori, Fred and Ronit.

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13 Q. Okay. Let's go to your conversation with
14 Mr. Breen on January -- Friday, January 26th. Did
15 Mr. Breen ask you if you had any evidence to back up
16 your allegations against Mr. Easton?

17 A. I don't think so.

18 Q. Did he seem interested in what you had to
19 say about Mr. Easton?

20 A. I guess. It's hard to say.

21 Q. Did he -- Did it seem like he was already
22 aware of these allegations?

23 A. That's possible. It was very hard for me
24 to interpret Quentin at that time. My -- My feeling and
25 My own impression -- I don't know if it was accurate --

Page 95

1 was that he was a bit guarded. I was an ex-employee at
2 that point, and it was just very hard for me to judge
3 what he was thinking.

4 Q. Did you specifically ask him not to mention
5 to Mr. Easton or to the board what you had just told
6 him?

7 A. No.

8 Q. And I believe at one time, you stated
9 earlier today that -- that you were confident that
10 Mr. Breen knew where the mistake had come from, that it
11 had not come from you, that it had come from Terry; is
12 this correct?

13 A. No, I was confident that he knew I did not
14 create the mistake. I didn't go the step further to
15 assume that he knew who did.

16 Q. Okay. And on what do you base this
17 confidence?

18 A. Partly from Quentin's demeanor, that he was
19 completely friendly to me; partly that he knew the
20 procedures -- I mean, part -- part of all of this was
21 coming from my impressions of things that I knew that in
22 retrospect I'm not sure he knew.

23 Q. Okay.

24 A. But I mean, Terry, the first thing he did
25 was blame me for the mistake. Yeah, so what? The

Page 96

1 control P report came from his computer. The
2 180 million came from his computer. Be pretty hard to
3 blame me for it. I mean, he is, but it's -- you know, I
4 never had any questions that, you know, the source was
5 over there.

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6 MS. POWER: Q. Another question: You

7 mentioned earlier today that you had the sense from
8 Quentin that Ronit Milstein had not told him everything,
9 that -- I think, those were your words, that she hadn't
10 told Quentin everything.

11 A. My sense didn't come from Quentin. My
12 sense came from my knowledge of Ronit.

13 Q. Okay. Could you explain that for us,
14 please.

15 A. On January 23rd when Terry -- or when I
16 placed the call for Terry when he was talking to the
17 FCC, Ronit was present for at least part of that
18 conversation, was present when he said that we had not
19 made the mistake, but she had reviewed the papers with
20 me and knew that he had.

21 I spent a good part of that day hoping that
22 Ronit as an officer would call Javier and let him know
23 what happened. I never saw that happen. My sense was
24 that Ronit was going to remove herself from this and not
25 get involved and that I couldn't trust her to tell

Page 99

1 Javier or Quentin what exactly had happened.

2 Q. But you never asked her to tell them?

3 A. No, I didn't.

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19 MR. CARROCCIO: Just a couple items.

20 Q. Miss Hamilton, you were asked how our
21 initial meeting came about and you indicated that you

22 had received a call from Mr. Tenhula?

23 A. Yes.

24 Q. Can you identify Mr. Tenhula for the
25 record, please?

Page 101

1 A. I believe he -- Well, he is with the FCC. I
2 think he works in the general counsel's office or he did
3 at the time.

4 Q. Was he working on the PCS 2000 bidding
5 error matter, to your knowledge?

6 A. I believe so.

7 Q. Had Mr. Kinnard ever indicated to you that
8 Mr. Tenhula was working with Mr. Kinnard on that matter?

9 A. I think so.

10 Q. So when you got a call from -- from
11 Peter Tenhula about this matter asking if I could
12 interview you, did you have -- did you assume that it
13 was with regard to this matter?

14 A. Yes, I did.

15 Q. The documents Ms. Power asked you about
16 that you sent to me, did I ask you to send them to me?

17 A. No.

18 Q. Why did you send them to me?

19 A. I had sometime before that mentioned to
20 somebody at the FCC, I don't remember who, that it had
21 been, I believe, a year and that I still had the
22 original documents and asked them what they wanted done

23 with them. Whoever I spoke to said they would get back
24 to me and they never did.

25 And then on the date that I transmitted

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1 them to you, that was the date that I found out my bank
2 account had been broken into and I was concerned that if
3 somebody was willing to go that far, that they also
4 might be willing to try and get their hands on these
5 documents, and I wanted to get rid of them that day and
6 put them in a safer place.

7 Q. And had you tried to reach anybody at the
8 FCC about them?

9 A. I don't remember if I tried that day.

10 Q. In sending those documents to me, did you
11 do that after I had insisted upon some protections for
12 the documents?

13 A. Yes.

14 Q. Were those protections designed to maintain
15 the integrity of those documents?

16 A. Yes.

17 Q. Are you aware of what happened to those
18 documents after they reached me?

19 A. I believe they were very quickly
20 transferred to the FCC after that.

21 Q. Do you know who in particular at the FCC?

22 A. I think it was Joe Weber, but I'm not sure.

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23 Q. You were asked if Mr. Breen was
24 disinterested in what you had to say to him?

25 A. Actually I believe the question was whether

Page 105

1 he was interested, not if he was disinterested.

2 Q. Well, let me ask it the other way, then.
3 Did he give any indication that he was not interested?
4 Did he appear bored?

5 A. No.

6 Q. Did he appear impatient?

7 A. No.

8 Q. Was he abrupt with you?

9 A. No.

10 Q. Was there any indication that he was not
11 interested in hearing what you had to say?

12 A. No.

13 Q. You indicated that you thought it was
14 Mr. Gross that told you about files being deleted by
15 Mr. Easton?

16 A. Yes.

17 Q. And that that took place sometime prior to
18 your calling Javier Lamoso?

19 A. Yes.

20 Q. Did it take place prior to your meeting
21 with Mr. Breen?

22 A. No.



BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In Re:)	
)	Investigation
WESTTEL, L.P.,)	
WESTTEL SAMOA, L.P.)	

Deposition of CYNTHIA HAMILTON, taken on behalf of the Federal Communications Commission, at 4000 South El Camino Road, Villa Hotel, Room 824, San Mateo, California on Thursday, February 6, 1997, commencing at approximately 7:15 p.m. before Margaret Harris, Notary Public.

APPEARANCES

On behalf of the Federal Communications Commission:

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On behalf of the Deponent:

CYNTHIA L. HAMILTON, Pro Se

FEDERAL COMMUNICATIONS COMMISSION

I N D E XDEPONENTEXAMINATION

Cynthia L. Hamilton

3

EXHIBITS:PAGEDESCRIPTIONCommission's

1	60	Hamilton Affidavit
2	60	Notary Acknowledgement
3	60	Control P Report
4	62	FCC Software Screen Print Bids Uploaded to FCC
5	64	Excel Spreadsheet
6	66	Handwritten Declaration 1/24/96
7	67	Hamilton Resignation 1/24/96

Hearing Began: 7:15 p.m.

Hearing Ended: 9:05 p.m.

Heritage Reporting Corporation
(202) 628-4888

1 P R O C E E D I N G S

2 MR. WEBBER: If you could swear the witness,
3 please.

4 COURT REPORTER: Good afternoon. My name is
5 Margaret Harris, I'm a Notary Public in the State of
6 California and the County of San Francisco. My commission
7 expires in June of 1998. Will you please raise your right
8 hand.

9 Whereupon,

10 CYNTHIA L. HAMILTON

11 was called as a witness herein and, having been
12 first duly sworn, was examined and testified as follows:

13 EXAMINATION

14 BY MR. WEBBER:

15 Q Now, I know that you have some legal training, but
16 I'll ask you this anyway, have you ever had your deposition
17 take?

18 A Yes.

19 Q So, you do know the process?

20 A Uh-hum, yes, sorry.

21 Q That's part of the process.

22 A I know, part of the process is to speak out loud.

23 Q Thank you. Could you please state your name and
24 address?

25 A My name is Cynthia L. Hamilton, H-a-m-i-l-t-o-n.

1 [REDACTED]
2 Q Could you, as a way of background, describe your
3 educational background?

4 A I have a Bachelors Degree from U.C. Santa Cruz,
5 and a J.D. from U.S. Hastings.

6 Q What year did you graduate from Hastings?

7 A 1992.

8 Q How are you currently employed?

9 A [REDACTED]
10 [REDACTED]
11 [REDACTED]

12 Q In January of 1996, how were you employed?

13 A In January 1996, up until the 24th of January, I
14 was employed by San Mateo Group in San Mateo. I didn't
15 really have a job title, it was sort of administrative
16 assistant/research analyst.

17 Q How long were you employed by San Mateo Group?

18 A I worked there from June 3rd on, but I was a temp
19 for a while, I think until some time in July, so I don't
20 know the exact time that I was actually employed by them.

21 Q But you started within the offices on June 3rd?

22 A Yes, 1996.

23 Q Who hired you initially?

24 A I worked for an agency called Alpha IV in San
25 Francisco.

1 Q And that was when you were a temp there?

2 A Yeah.

3 Q When you were hired -- did there come a time when
4 you were hired full time by San Mateo Group?

5 A Yes.

6 Q Who hired you at that point?

7 A Terry Easton.

8 Q And at that point he was happy with the work you
9 did as a temp?

10 A He was very happy, yeah.

11 Q Up until January -- well, in the period of January
12 1996, what were your job responsibilities?

13 A In January my job responsibilities were solely to
14 support the bidding activity. I would come in in the
15 morning and upload the file that was supposed to be made
16 available to me for the bidding process, print out a copy of
17 what was uploaded, check it against sheets that I had been
18 given, usually that were signed, showing what the intended
19 bid was. On Terry's direction I would submit the bid, and
20 then after that I would help with downloading the FCC files,
21 I don't know what you call them, the files showing the bids
22 before withdrawal, and downloading the bids after withdrawal
23 and preparing flash reports on both of those. Preparing
24 maps showing the results of the bids and different scenarios
25 that they would run.

1 Q Were one of the sheets you were referring to, that
2 you would check bids against, the Control P Report?

3 A I guess you could call -- everybody else has
4 called it that, I don't know how it got its name, but I
5 believe that that is one of the sheets.

6 Q You didn't know it by the name of the Control P
7 Report?

8 A No.

9 Q Okay. Let me refer to it a different way. Was
10 there a report which just listed all the markets in which
11 PCS 2000 was currently bidding?

12 A Yes, that one I would refer to, it has a path and
13 file name on it, that says --
14 J:/PCSWIMSY/EXPORT/TO_FCC/M120311.DBF., I think that's --

15 Q Now, right now you're referring actually to a
16 document, correct?

17 A Right. And I believe this is what everybody else
18 has referred to as Control P.

19 Q Okay. And how was that report first created?

20 A This report actually was not one that I would ever
21 print out, this is one that Terry would print out and sign
22 and give to me. He would print it out from the database
23 that he worked on entering the bids.

24 Q And it was his practice to always initial it, put
25 a time and date both on it?

1 A It wasn't his practice, it was my demand.

2 Q And it was your demand for all the rounds up until
3 you left San Mateo Group?

4 A Yes. I refused to submit any bids without signed
5 papers first.

6 Q Did Mr. Easton ever have any comment as to that
7 particular demand?

8 A Yeah, actually we were going through a process of
9 initially he was there for every single bid, but he was
10 setting it up so that I would still conduct bids even if he
11 wasn't there and nobody was there, and we had discussions
12 over the fact that I told him I would not submit a bid
13 without signed papers, that I would not do it over a phone
14 authorization, that I wanted signed papers. And he said you
15 really don't need that, and I said, I don't care, I want
16 that. I knew that at some point he was setting it up so
17 that I would just be calling him and say yeah, fine, and he
18 would want me to submit the bid, and that I would not do so.

19 Q And did he eventually agree, or at least go along
20 with signing the bid sheets?

21 A He signed the bid sheets, but an opportunity never
22 came up where he was not there to sign them.

23 Q I want to discuss just real briefly the way the
24 computers were set up there. Can you describe for me the
25 computer system, the way they were hooked up to one another,